

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

JOHN WESLEY WARD

v.

DOUG DRETKE, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE-INSTITUTIONAL DIVISION,

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C.A. NO. C-05-464


**MEMORANDUM OPINION AND ORDER GRANTING DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

On March 30, 2006, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 12). Objections were timely filed (D.E. 13). Having reviewed *de novo* the Magistrate Judge's memorandum and recommendation and the pleadings on file, the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge regarding petitioner's cause of action for habeas corpus relief.

The Court does not adopt the Magistrate Judge's findings and conclusions regarding petitioner's potential claims under 42 U.S.C. § 1983. Such claims are not before the Court at this time.

Accordingly, defendant's motion for summary judgment (D.E. 10) is granted. Petitioner's cause of action for habeas corpus relief is dismissed with prejudice. Petitioner's certificate of appealability is denied.

ORDERED this 8 day of May, 2006.


HAYDEN HEAD
CHIEF JUDGE